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May 1, 2024

**BY ECF**

Judge Pamela K. Chen  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East, 1214 South  
Brooklyn, NY 11201

Re: *SEC v. Xia, et al.*  
21-cv-05350-PKC-RER

Dear Judge Chen:

As the Court is aware, my firm has represented Richard Xia in a variety of state court litigations in which he or his company were involved as parties. In addition, I made an appearance in this case for the purpose of potentially filing a motion seeking permission for the payment of attorney's fees which was withdrawn for a variety of reasons. Finally, my colleague Randall T Eng., Esq. appeared in this matter although, as agreed with Mr. Xia, his role was limited to consultation with Mr. Xia's primary counsel.

I acknowledge receipt of a letter application filed by Robert Hantman, Esq., one of Mr. Xia's attorneys, which includes various exhibits and affidavits from Mr. Xia concerning funds presently being held by my firm in its escrow account since the issuance of your Order dated December 8, 2022 which clearly indicated the breath of the asset freeze order. At that time, I made it known to Mr. Xia's attorneys, as well as the SEC, that I intended to hold those funds in escrow until such time that the Court orders me to dispose of them in any manner it deems appropriate. However, what Mr. Hantman's application fails to take into account, is the attorney's fees owed to my firm for work performed by either myself or my colleague Randall T. Eng, Esq. in a variety of matters up until the point that each of the courts in which we have made an appearance on Mr. Xia's behalf permitted our withdrawal pursuant to court order. I note we ceased accessing the funds to pay our fees as of December 1, 2022 to fully comply with the Court's December 8 Order

Therefore, we would oppose the application, in part, so as to take into account the fees and expenses due and owing to my firm and in connection thereto we exercise our rights to a retaining lien over the funds presently held in escrow to the extent of the sums due to my firm. I note that Mr. Hantman and Mr. Xia are both aware of my firm's position in this regard.

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Accordingly, the purpose of this letter is to determine whether the Court requires a more formal response in the form of a declaration including relevant exhibits which would fully set forth my firm's position in regard to Mr. Xia's application.

I will be guided by the Court's response. Thank you for your consideration of this matter.

Respectfully submitted,

*s/Paul F. Millus*

Paul F. Millus

PFM:cz

All Counsel of Record By ECF

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